

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

**CHRISTOPHER J. CHURCH, M.D.**  
Holder of License No. 28790  
For the Practice of Allopathic Medicine  
In the State of Arizona

Case Nos. MD-10-1161A

**ORDER ACCEPTING SURRENDER OF  
LICENSE AND CONSENT TO THE  
SAME**

Christopher J. Church, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order Accepting Surrender of License; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

**FINDINGS OF FACT**

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 28790 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-10-1161A after receiving notification from a hospital that it had recommended suspension of Respondent's clinical privileges for touching the breasts of an anesthetized patient. Respondent voluntarily agreed to the suspension of his privileges.

4. Respondent touched the breasts of an anesthetized patient, CF, after a surgery on July 9, 2010. Respondent stated that CF had not disclosed, during the taking of her pre-operative history, that she had previously undergone breast reduction surgery. Respondent noticed the scars and examined them. Respondent did not record this examination in the patient's medical record. Respondent admits that, upon reflection, the examination may not have been appropriate. Respondent states that similar events may

cc

1 have occurred three or four times over the course of his twelve-year career as an  
2 anesthesiologist.

3 5. Based upon the allegations, Respondent was ordered to participate in a  
4 psychosexual evaluation. The evaluating facility was unable to incorporate or exclude a  
5 diagnosis of sexual disorder. The diagnoses were inconclusive regarding the  
6 inappropriate touching of patients' breasts.

7 6. The standard of care for administration of anesthesia requires an  
8 anesthesiologist to not perform exams that are not indicated for the management of the  
9 patient's intraoperative or immediate postoperative course.

10 7. Respondent deviated from the standard of care and admits that he engaged  
11 in unprofessional conduct by examining CF's breasts after the operative procedure while  
12 she was anesthetized, as it was not indicated for managing the patient's intraoperative or  
13 immediate postoperative course.

14 8. CF may have suffered an invasion of her privacy and unsolicited and  
15 unwarranted physical contact.

#### 16 CONCLUSIONS OF LAW

17 1. The Board possesses jurisdiction over the subject matter hereof and over  
18 Respondent.

19 2. The conduct and circumstances described above constitute unprofessional  
20 conduct pursuant to A.R.S. § 32-1401(27)(z) ("[e]ngaging in sexual conduct with a current  
21 or with a former patient within six months after the last medical consultation unless the  
22 patient was the licensee's spouse at the time of the contact or, immediately preceding the  
23 physician-patient relationship, was in a dating or engagement relationship with the  
24 licensee, . . ."). Pursuant to A.R.S. § 32-1401(27)(z)(iii), "sexual conduct" is "[i]ntentionally  
25

1 viewing a completely or partially disrobed patient in the course of treatment if the viewing  
2 is not related to patient diagnosis or treatment under current practice standards."

3 3. The conduct and circumstances described above constitute unprofessional  
4 conduct pursuant to A.R.S. § 32-1401(27)(q), "[a]ny conduct that is or might be harmful or  
5 dangerous to the health of the patient or the public."

6 4. The Board possesses statutory authority to enter into a consent agreement  
7 with a physician and accept the surrender of an active license from a physician who admits  
8 to being unable to safely engage in the practice of medicine or having committed an act of  
9 unprofessional conduct. A.R.S. § 32-1451(T)(1) and (2).

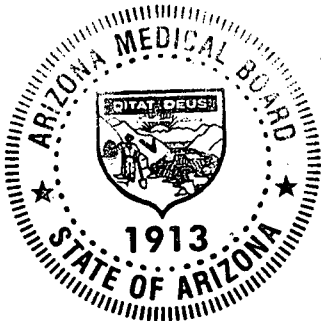
10 ORDER

11 IT IS HEREBY ORDERED THAT Respondent immediately surrender License  
12 Number 28790, issued to Christopher J. Church, for the practice of allopathic medicine in  
13 the State of Arizona, and return his wallet card and certificate of licensure to the Board.

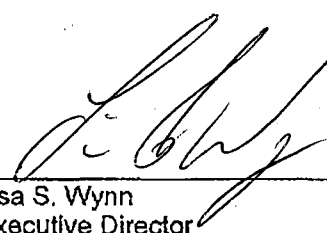
14 DATED AND EFFECTIVE this 17th day of October, 2011.

15 ARIZONA MEDICAL BOARD

16 (SEAL)



By

  
Lisa S. Wynn  
Executive Director

cc

CONSENT TO ENTRY OF ORDER

1  
2       1.     Respondent has read and understands this Consent Agreement and the  
3 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent  
4 acknowledges he has the right to consult with legal counsel regarding this matter.

5       2.     Respondent consents to the entry of the Order set forth below as a  
6 compromise of a disputed matter between Respondent and the Board, and does so only  
7 for the purpose of terminating the disputed matter by agreement. Respondent  
8 acknowledges it is the Board's position that, if this matter proceeded to formal hearing, the  
9 Board could establish sufficient evidence to support a conclusion that certain aspects of  
10 Respondent's conduct constituted unprofessional conduct. Respondent agrees not to  
11 contest the validity of the Findings of Fact and Conclusions of Law contained in the Order  
12 in any present or future administrative proceedings before the Board (or any other state  
13 agency in the State of Arizona, concerning the denial or issuance of any license or  
14 registration required by the state to engage in the practice of any business or profession).

15       3.     Respondent acknowledges and agrees that this Order is entered into freely  
16 and voluntarily and that no promise was made or coercion used to induce such entry.

17       4.     By consenting to this Order, Respondent voluntarily relinquishes any rights to  
18 a hearing or judicial review in state or federal court on the matters alleged, or to challenge  
19 this Order in its entirety as issued by the Board, and waives any other cause of action  
20 related thereto or arising from said Order.

21       5.     The Order is not effective until approved by the Board and signed by its  
22 Executive Director.

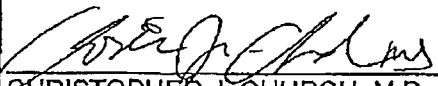
23       6.     Upon signing this agreement, and returning this document (or a copy thereof)  
24 to the Board's Executive Director, Respondent may not revoke the consent to the entry of  
25 the Order. Respondent may not make any modifications to the document. Any

1 modifications to this original document are ineffective and void unless mutually approved  
2 by the parties.

3 7. This Order is a public record that will be publicly disseminated as a formal  
4 disciplinary action of the Board and will be reported to the National Practitioner's Data  
5 Bank and on the Board's web site as a disciplinary action.

6 8. If any part of the Order is later declared void or otherwise unenforceable, the  
7 remainder of the Order in its entirety shall remain in force and effect.

8 9. If the Board does not adopt this Order, Respondent will not assert as a  
9 defense that the Board's consideration of the Order constitutes bias, prejudice,  
10 prejudgment or other similar defense.

11  
12   
13 CHRISTOPHER J. CHURCH, M.D.


DATED: 8-17-2011

14  
15 EXECUTED COPY of the foregoing mailed  
16 this 17 day of Oct, 2011 to:

17 Stephen W. Myers, Esq.  
18 Myers & Jenkins, P.C.  
19 One East Camelback Road, Suite 500  
Phoenix, Arizona 85012  
Attorney for Respondent

20 ORIGINAL of the foregoing filed  
21 this 17 day of Oct, 2011 with:

22 Arizona Medical Board  
23 9545 E. Doubletree Ranch Road  
24 Scottsdale, AZ 85258

25   
Arizona Medical Board Staff  
Doc# 1695013